Security Council

Sixty-second year

Provisional

5790th meeting

Wednesday, 5 December 2007, 3 p.m.
New York

President:	Mr. Spatafora	(Italy)
Members:	Belgium	Mr. Verbeke
	China	Mr. Liu Zhenmin
	Congo	Mr. Biabaroh-Iboro
	France	Mr. Lacroix
	Ghana	Mr. Christian
	Indonesia	Mr. Natalegawa
	Panama	Mr. Arias
	Peru	Mr. Chávez
	Qatar	Mr. Al-Nasser
	Russian Federation	Mr. Rogachev
	Slovakia	Mr. Burian
	South Africa	Mr. Sangqu
	United Kingdom of Great Britain and Northern Ireland	Ms. Pierce
	United States of America	Mr. Khalilzad

Agenda

The situation in the Middle East

Letter dated 28 November 2007 from the Secretary-General addressed to the President of the Security Council (S/2007/684)

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07-62683 (E)

The meeting was called to order at 3.05 p.m.

Adoption of the agenda

The agenda was adopted.

The situation in the Middle East

Letter dated 28 November 2007 from the Secretary-General addressed to the President of the Security Council (S/2007/684)

The President: I should like to inform the Council that I have received a letter from the representative of Lebanon, in which he requests to be invited to participate in the consideration of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the consideration without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Salam (Lebanon) took a seat at the Council table.

The President: In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Serge Rammers, Commissioner of the United Nations International Independent Investigation Commission.

It is so decided.

I invite Mr. Rammers to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them document S/2007/684, containing a letter dated 28 November 2007 from the Secretary-General addressed to the President of the Security Council, transmitting the ninth report of the United Nations International Independent Investigation Commission.

I now give the floor to Mr. Serge Rammers, Commissioner of the United Nations International Independent Investigation Commission. I welcome him and thank him for his briefing.

Mr. Rammers: I would like to extend thanks for this new opportunity to brief the Council on the progress made by the International Independent Investigation Commission (IIIC). This latest report covers activities since July 2007.

Over the past four months, the Commission has continued to pursue the investigation into the assassination of former Prime Minister Raffia Hariri and 22 others on 14 February 2005. The Commission has also continued to assist the Lebanese authorities in their investigations of 18 other cases of bombings and targeted assassinations in Lebanon since October 2004. This growing list of cases includes the assassination of Member of Parliament Antoine Ghana, killed on 19 September by a vehicle-borne improvised explosive device (IED) in eastern Beirut. Mr. Ghana is the sixth member of parliament killed in Lebanon since 2005.

Although the investigation is still at an early stage, initial findings indicate that the perpetrators were able to conduct surveillance and mobilize a vehicle-borne IED within a very short window of time. This and preliminary results in other cases suggest that the perpetrators had, and most likely still have, operational capabilities available in Beirut.

In the past four months, the Commission has focused on the implementation of detailed action plans in each area of the Hariri case. Since my last briefing of the Council, the Commission has conducted more than 70 interviews in Lebanon and in a number of other countries. These interviews and other investigative actions, particularly in the field of forensics and communications analysis, have allowed the Commission to further refine its understanding of the events surrounding the crime.

Progress was made in several areas in particular. These include, for example, the facts surrounding the two males who bought the Mitsubishi van used in the attack; the specific area where the suicide bomber might be from, and how and when he might have entered Lebanon; the person who disappeared with Ahmed Abu Admass and his possible links to extremist groups; and a deeper analysis of the de jure and de facto structures, means, capacities, information flows and reporting lines of certain organizations of relevance to the investigation.

In addition, the Commission has continued to extend its technical assistance to the Lebanese authorities in their investigations into the 18 other attacks, including the Ghana case. In connection with these cases, over 40 interviews were conducted by the Commission in this reporting period. The Commission has also provided the Lebanese authorities with a number of important results from forensic examinations on these cases.

In the next reporting period, the Commission will continue to implement its action plans and will pursue all open lines of inquiry.

Since my first report to the Council, I have emphasized the importance of striking a balance between the need for transparency regarding the Commission's activities, on the one hand, and the Commission's duty to protect the confidentiality of its investigation on the other hand. In this context, managing the expectations has been — and remains — an important challenge.

Over the past few months, as investigative tracks have advanced, the scope of the investigation has narrowed. As this happens, the Commission is being increasingly cautious in managing information linked to the investigations. This approach is taken in full agreement with the Lebanese judicial authorities in order to protect the security of people who cooperate, or wish to cooperate, with the Commission; to protect the rights of potential suspects; and, not least, to ensure the security of the Commission's staff. This heightened emphasis on confidentiality is also taken in the light of the foreseen transition to the Special Tribunal for Lebanon in order not to compromise any possible future legal process.

Well aware of the high expectations that were placed on the Commission from the outset, the Commission's staff and I have worked to the best of our ability to fulfil the Commission's mandate. When I arrived in Beirut almost two years ago, I inherited a very small team of six investigators. We immediately started the long process of building a more robust investigation division, particularly by adding capacities in the area of criminal and legal analysis and forensic support. Today the division consists of 47 international staff and is supported by the Commission's administrative, language and security sections.

At the outset, we started by conducting a review of the evidence collected and by designing an investigative strategy in line with international legal standards. Over the following months, the Commission launched 24 concurrent investigative projects in different areas and 66 forensic projects, the majority of which have been concluded. The objective was to address three central questions: How was the attack of 14 February 2005 planned and executed? Who prepared and carried out the attack? And why was Rafik Hariri killed?

In a first phase, new emphasis was placed on crime scene investigations using advanced forensic techniques. Over several weeks, the Commission's experts returned to the crime scene to review the evidence and started to systematically categorize and archive all the physical and biological exhibits. Databases containing those exhibits, DNA profiles, sketches and other information related to the investigation were created and are still being populated. These are important investigative tools and I expect that they will be an important legacy of the Commission.

The Commission was able to draw together the different findings regarding the container of the IED, the exact position of the IED, the trigger mechanism used, the composition of the explosives used and several other fundamental aspects of the crime in order to establish a unifying theory regarding the explosion of 14 February 2005.

Specific projects were launched to identify the physical perpetrators of the crime. These projects were designed to identify the persons conducting active surveillance on Rafik Hariri in the period leading up to the attack and to understand what role was played by the holders of the six SIM cards in this surveillance. Who bought and prepared the Mitsubishi Canter van? Who is the suicide bomber? Who is Ahmed Abu Adass and what is his involvement in this crime?

Based on hundreds of interviews and examinations, the Commission has been able to answer — or significantly narrow down its investigations into — many of these questions, as detailed in the Commission's reports to the Council over the past two years. At the same time, the Commission concentrated on the possible motives for the crime. The Commission started by examining or re-evaluating the timeline and significance of Rafik Hariri's activities in the period prior to his death, including his private, business and political

relationships both within Lebanon and internationally, as well as the threats, warnings and assurances he may have received regarding his own security.

Working by elimination, the Commission was able to progressively narrow down the list of possible motives mainly to those linked to Rafik Hariri's political activities in the months before his death, but not excluding the possibility that the motive for the crime may have arisen from a combination of factors. Throughout its investigations into all aspects of the crime, the Commission's focus has been to review, in an objective and methodical manner, the evidence collected in order to establish links — based on evidence — between the crime scene, the physical perpetrators and the remote perpetrators.

As I noted in my last briefing to the Council, the progress made in the past few months has allowed the Commission to identify a number of persons of interest who may have been involved in some aspect of the preparation and execution of the crime or who may have known that a plan to carry out this attack was being prepared.

In addition to the Hariri investigation, the Commission's mandate was expanded in December 2005 to include technical assistance to the Lebanese authorities in 14 — now 18 — other cases. In spite of the limited resources available, the Commission has sought to provide the best possible support to the Lebanese authorities investigating these cases.

In addition to its technical assistance role, the Commission has also focused on identifying links among these cases, and between these cases and the Hariri case. In previous reports, drawing mainly from analytical work, the Commission noted the existence of possible commonalities between the nature of the attacks, the modus operandi, the profiles of the victims and possible motives. The Commission's recent findings appear to indicate that some operational links may exist between some of the perpetrators of these attacks. Confirming these operational links will be one of the Commission's highest priorities in the months to come.

In my first report to the Council, I noted the challenges that the Lebanese law enforcement community faced in investigating crimes of this nature. These challenges were due in part to a lack of specific expertise. Recognizing the work being done by the Lebanese authorities in a difficult environment, I note that limited progress has been achieved in this regard, particularly in the area of crime scene investigations and cooperation between law enforcement agencies. Increased international support will be needed if these shortcomings are to be remedied.

As in the past, the Commission continues to recognize that few of these results could have been achieved without the productive cooperation which exists between the Commission and the Lebanese judicial authorities. The Commission holds almost daily meetings with the Prosecutor General and his staff, and additional meetings have been held over the past four months with the investigating judges in each of the targeted attacks. These exchanges are held in an atmosphere of mutual support, recognizing that achieving results in this investigation is, and will continue to be, the result of this partnership.

The Commission has also renewed its efforts to provide the Lebanese authorities with all the information they need to make an independent assessment of the evidence available and to act in accordance with that assessment.

Based on an understanding reached between the Commission and the Syrian authorities in January 2006, cooperation has improved considerably. With that understanding in place, the Commission was able to interview a number of Syrian officials, including at the highest echelon of the State, access archives and successfully conduct numerous missions to Syria. The Commission continues to note that this cooperation remains essential to the successful completion of the Commission's mandate.

Cooperation with other States has, since the beginning of the Commission's mandate, been of paramount importance. The Commission continues to rely on all States to provide information, make individuals available for interview and provide technical support as requested. I once again urge all States to continue to cooperate with the Commission in a full and timely manner.

I am often asked if I can predict when the investigation will be complete. Unfortunately, I cannot. Conducting an investigation is never an exact science. The completion of the investigation will depend on the final results of several still ongoing projects and on the cooperation of all States. Equally important will be the Commission's capacity — and in the next phase, the

ability of the Office of the Prosecutor — to encourage additional witnesses to come forward.

When I am asked if I am satisfied with the progress made so far, my answer is absolutely yes. Important results have been achieved in many areas of the investigation despite the numerous challenges the Commission has faced. Based on the progress made in recent months, I am more confident and optimistic than ever that the investigation can be concluded successfully. But in order to achieve these results, it is of paramount importance that the Commission continue to receive the administrative support it needs, particularly in the area of recruitment and staff retention.

While the Commission remains focused on continuing the investigation, it is also working to ensure that everything is in place for an easy transition to the Office of the Prosecutor of the Special Tribunal for Lebanon when the latter begins functioning.

The Commission's consolidated reports are being kept up to date and are being supplemented with a number of other analytical products. These are being prepared to allow the Office of the Prosecutor of the Special Tribunal to evaluate the Commission's holdings and findings and to determine the next steps in the investigation.

The Commission is also developing several projects related to the management, storage and eventual handover of its sizable amounts of data, documents, exhibits and other information. In addition, the Commission has worked with the team set up to oversee the transition on the important issue of witness protection.

As this is my last briefing to the Council as Commissioner of the International Independent Investigation Commission, allow me to conclude by thanking the Lebanese judicial authorities, the Prosecutor-General, his team and the investigating judges, with whom I have had the privilege to work for the past two years. Given the acute and ongoing political tension in Lebanon, I am also grateful for the unfailing support provided by the Lebanese Army and the Internal Security Forces in protecting the Commission's staff and premises.

I would like to thank the Commission's staff, whose dedication and commitment have been exemplary during my tenure at the helm of the Commission. Working and living in a restrictive environment, they have provided remarkable service to the Commission and to the United Nations. I wish my successor, Mr. Daniel Bellemare, the best of success.

I would also like to thank the Security Council and the Secretariat for the continued support provided to the Commission since its creation. It has been an honour for me to serve the United Nations and the cause of justice in this capacity, and for that privilege I sincerely thank the Council.

The President: I thank Mr. Brammertz for his briefing.

As has been recalled, today's Security Council meeting will be the last for Serge Brammertz in his capacity as Commissioner of the United Nations International Independent Investigation Commission. As President of the Council, I am sure that I express the feelings of all members in warmly thanking Commissioner Brammertz for his outstanding performance in carrying out a difficult and challenging mandate in a very delicate political environment. As a result of his superb work, we know that the loss of the Commission is the gain of the International Criminal Tribunal for the Former Yugoslavia, where Mr. Brammertz will soon become Prosecutor. We wish him all the best in that challenging new endeavour.

I should also like to take this opportunity to warmly welcome the new Commissioner, Mr. Daniel Bellemare. As members are aware, Mr. Bellemare will also be Prosecutor of the Special Tribunal for Lebanon. We wish him every success in that post.

I now give the floor to the representative of Lebanon.

Mr. Salam (Lebanon) (*spoke in Arabic*): The delegation of Lebanon, Sir, would like to congratulate you and your delegation on your assumption of the presidency of the Security Council for the current month. I should also like to thank the Permanent Representative of Indonesia and his team for their efforts in presiding over the Council last month.

We are now considering the last report to be submitted by Serge Brammertz in his capacity as Commissioner of the International Independent Investigation Commission, charged with investigating the assassination of Rafik Hariri, former Prime Minister of Lebanon, and his companions. Mr. Brammertz is leaving us after two years of service,

during which he bore witness to bomb attacks, political assassinations, destructive Israeli aggressions and attempts to intimidate the international forces operating in southern Lebanon.

We listened very attentively to the briefing given by Mr. Brammertz on the outcomes of the work of the Commission. Before addressing the briefing's content, we should like to congratulate this honest investigator and serious-minded jurist for his earnest, methodical, studious, solid and consistent work, which have demonstrated his professionalism, as well as for the adoption of various action plans, the submission of evidence and the assembling of the best specialized expertise. All of that has helped to create an atmosphere of trust among the States involved in the investigation with a view to promoting the necessary cooperation. We wish to thank Mr. Brammertz and his team for their two years of work, during which they built on previous accomplishments, providing a solid legal foundation for an extremely important legal investigation requested by the international community to address organized terrorist acts and repeated political crimes targeting Lebanon and its elites, whether they be Government ministers, deputies, intellectuals or defenders of free expression. Chief among them, of course, was Rafik Hariri, whose assassination was an attempt to undermine the country's stability and the safety of its people.

We wish to stress the following five points contained in the report. First, the Commission has been able to narrow the scope of its investigation through more specific preliminary conclusions regarding the circumstances surrounding the crime, including the identities of additional individuals concerned.

Secondly, there is more specific clarification of the presumed motives for the assassination, which can be linked to Prime Minister Hariri's political activities in the run-up to the elections and in the months and years before the assassination. These factors include the adoption of resolution 1559 (2004); the extension of the term of President Emile Lahoud; the electoral law reform; and the political status of Mr. Hariri prior to the parliamentary elections of 2005.

Thirdly, conclusions have been reached proving the hypothesis that there were operational links between the presumed perpetrators of the crime and the bombings and terrorist acts that followed the assassination. The Commission has provided support to the Lebanese authorities, enabling them to investigate those links.

Fourthly, the Commission has made progress in transferring its work to the Office of the Prosecutor of the Special Tribunal for Lebanon, in accordance with the recommendations of the Secretary-General and resolution 1757 (2007). This process includes the preparation of documents, data files and elements of evidence, as well as the formulation of a draft strategy for establishing a witness protection programme, updating information and setting up plans for the liquidation of the Commission's assets in accordance with United Nations procedures.

Fifthly — and perhaps this is the most serious point — the Commission has established that the evidence it has gathered concerning the assassination of Rafik Hariri and other incidents, including the recent assassination of Lebanese Member of Parliament Antoine Ghanem, show that the perpetrators or teams of perpetrators are still able to move rapidly in Beirut and still have wide-ranging and well-developed operational capabilities. These groups have also been able to draw on the expertise of specialized teams and resources.

As his mandate comes to an end, I wish to express to Commissioner Brammertz the gratitude of the Lebanese Government for the work accomplished by the Commission and to wish him every success in the future. We are certain that the International Criminal Tribunal for the Former Yugoslavia will benefit from his profound practical and legal expertise.

We would also like to take this opportunity to thank the Secretary-General for his decision to appoint Mr. Daniel Bellemare as the successor to Commissioner Brammertz and as Prosecutor of the Special Tribunal for Lebanon when it assumes its functions. We also applaud the response of the Security Council to this new appointment.

We are approaching the third anniversary of the assassination of Prime Minister Rafik Hariri and his colleagues, and we also recall the assassination of other martyrs who had sought to consolidate the independence of Lebanon and defend its freedoms. We wish to express our appreciation to the Council, which was able resolutely to shoulder its responsibilities by establishing the International Independent Investigation Commission. The Council also exercised its responsibility by listening carefully to the periodic

reports that were submitted and by developing the Statute of the Special Tribunal for Lebanon. The Council has thus entrusted the Secretary-General with the task of taking all necessary measures to ensure that the requisite conditions are in place for the Tribunal to start its work soon so that justice is done and so that these terrorist criminals receive the punishment that they deserve.

The President: There are no further speakers on my list. In accordance with the understanding reached in the Council's prior consultations, I should now like to invite Council members to informal consultations to continue our discussion on this subject.

The meeting rose at 3.40 p.m.